

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION

LESLIE ANNE BRANDT
AKA LESLIE ANNE CHLADNY,

PLAINTIFF

v.

RUSHMORE LOAN MANAGEMENT
SERVICES LLC AND SPECIALIZED LOAN
SERVICING,

DEFENDANTS.

CAUSE NO. 4:16-CV-00025-WCL-PRC

REPORT OF PARTIES' PLANNING MEETING

1. Planning Meeting

The parties conferred via electronic mail under Fed. R. Civ. P. 26(f) and agreed to this report on May 19, 2016. Brian D. Flick participated for the plaintiff. Gregory A. Stout and John Tarter participated for Defendant Rushmore Loan Management Services LLC. Neal Bailen participated for Defendant Specialized Loan Servicing LLC

2. Jurisdiction

The court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337 because the Complaint alleges violations of federal law including, but not limited to the Real Estate Settlement Practices Act, 12 U.S.C. §2601, et. seq

3. Pre-Discovery Disclosures

The parties will exchange, *but may not file*, Rule 26(a)(1) information by 06/9/2016.¹

¹ The court encourages setting all deadlines on business days.

4. **Discovery Plan**

a. **Scope of Discovery**

1. The balances due on the Note and Mortgage.
2. The servicing records of Defendant Rushmore and Defendant SLS including all accounting records, loss mitigation correspondence and bankruptcy correspondence for all pertinent times in Plaintiff's complaint.
3. Plaintiff's communications with Rushmore and SLS, loan modification efforts, Rushmore's responses to alleged Notices of Error, evidence concerning whether mortgage payments were or were not made by plaintiff, evidence of any and all damages plaintiff alleges a result of the alleged actions of Rushmore and SLS in the complaint.

b. **Discovery Deadlines**

Based on the proposed trial date, as set forth below, the parties propose a discovery completion date of 2/15/17. The parties must disclose the identity of any Rule 26(a)(2) witness and the witness's written report (if applicable) by:

- i. 10/20/2016 – for plaintiff;
- ii. 11/20/2016 – for defendants; and
- iii. 12/15/2016 – for Rule 26(e) supplements.

c. **Discovery Limitations**

All parties agree to the following limitations on Discovery:

- i. Maximum of 30 interrogatories by each party to any other party.
- ii. Maximum of 25 requests for admission by each party to any other

party.

iii. Maximum of 10 depositions by any party.

iv. Each deposition is limited to a maximum of 7 hours unless extended by stipulation.

d. **ESI**

The parties do not anticipate the production of a substantial volume of electronically stored information and agree to produce any electronically stored information in hard copy as an initial matter. Once the parties have had the opportunity to review such documents, the parties agree, if necessary, to confer amongst themselves regarding any additional exchange or production that either party believes is necessary.

5. Other Items

- a. The last date the plaintiff may seek permission to join additional parties and to amend the pleadings is 08/30/2016.
- b. The last date the defendants may seek permission to join additional parties and to amend the pleadings is 09/30/2016
- c. The time to file Rule 26(a)(3) pretrial disclosures will be governed by separate order.
- d. The case should be ready for JURY trial by 08/30/2017 and at this time is expected to take approximately 2 days.

6. Alternative Dispute Resolution

Settlement prospects may be enhanced by mediation. The parties have not yet agreed on a mediator but do not expect any issues with ultimate agreement.

Date: May 19, 2016

/s/Brian D. Flick, Esq.

Brian D. Flick, Esq.

Kimberly A. Wright, Esq.

Attorney for Plaintiff

/s/Gregory A. Stout, Esq.

Gregory A. Stout, Esq.

Counsel for Defendant Rushmore Loan

Management Services LLC

/s/Neal Bailen, Esq.

Neal Bailen, Esq. #26246-53

Counsel for Defendant Specialized Loan Servicing LLC

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